

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1088 of 1992

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BHIMBHAI KARYABHAI

Versus

AMINABIBI D/O ISMAIL ASMALJI

Appearance:

MR RN SHAH for Petitioner
SERVED BY AFFIX.(N) for Respondent No. 1

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

Date of decision: 06/10/2000

ORAL JUDGEMENT

The petitioner who claims to be belonging to the Scheduled Tribe approached the Mamlatdar under Section 70(b) of the Bombay Tenancy and Agricultural Lands Act, 1948 with a prayer that he should be declared as a tenant on the land of the respondent.

2. It cannot be disputed, as it appears from the record, that the petitioner was absent before the Mamlatdar. The Mamlatdar also did not find any revenue entry regarding possession of the land in the name of the petitioner. It is in these circumstances that he rejected the application of the petitioner and his order has been maintained by the Deputy Collector in appeal and by the Gujarat Revenue Tribunal. After hearing the Learned Counsel appearing for the petitioner and perusing the records, this Court finds no error in the impugned order. Consequently the petition fails and is dismissed but in the circumstances with no orders as to costs. Rule discharged. Interim relief is vacated.

(D.M.Dharmadhikari, CJ)

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